



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



TANX Incorporated (NH)
30 Crescent Street
Claremont, NH
Attn: Peter LaHaise, Registered Agent

Peter LaHaise
Personal address

Re TANX Incorporated (NH) Title V Operating Permit

**NOTICE OF
LICENSE REVOCATION
NO. 02-003**

January 29, 2003

I Introduction

This Notice of License Revocation is issued by the Department of Environmental Services, Air Resources Division ("DES") to TANX Incorporated (NH) (hereinafter "TANX"), through its registered agent for service of process, Peter LaHaise. Pursuant to RSA 541-A:30 and RSA 125-C:13, IV, DES hereby revokes the Title V Operating Permit (TV-OP-041) issued to TANX based on the uncontested findings set forth in DES' Notice of Proposed License Action dated December 23, 2002 and on the findings set forth below.

II. Parties

1. DES is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, New Hampshire.
2. TANX is a New Hampshire corporation having a mailing address of 30 Crescent Street, Claremont, New Hampshire 03743.
3. Peter LaHaise is the registered agent, president and treasurer of TANX, with the mailing address of County Road, Walpole, NH 03608.

III. Summary of Facts and Law Supporting Action


1. From 1993 until 2002, TANX owned and operated a manufacturing facility for tank fabrication and spraying at 91B Main Street in Claremont, New Hampshire ("the Facility"). On July 16, 2001, TANX filed a bankruptcy petition in the United States Bankruptcy Court for the District of New Hampshire.
2. Pursuant to RSA 125-C and NH CODE ADMIN. RULES Part Env-A 600 et. seq., and in accordance with Part 70 of Title 40 of the Code of Federal Regulations (CFR), DES issued Title V Operating Permit #TV-OP-041 to TANX on June 18, 2002 for operation of devices at the Facility.

3. Pursuant to RSA 125-C:13, IV, and in accordance with 40 CFR 70.7(f)(1)(iv), DES has the authority to revoke a Title V Operating Permit prior to its expiration date to ensure compliance with all applicable requirements.
4. Pursuant to NH CODE ADMIN. RULES Env-A 605.02, the applicant for an air resources permit has the burden of proving right, title, and interest in the property proposed for development or use. If the property is leased, the applicant must submit a copy of such lease, indicating that the lease is of sufficient duration to permit construction, use, or development.
5. On June 18, 2002, the date the subject Title V Operating Permit was issued, TANX was leasing business office space located at 30 Crescent Street, Claremont, New Hampshire and manufacturing space located at 91B Main Street, Claremont, New Hampshire, from J.D. Bourdon Realty, Incorporated, located at 91 Main Street, Claremont, New Hampshire.
6. On or about mid-2002, DES learned that TANX had ceased tank fabrication and spraying operations that had been permitted under the Title V Operating Permit. On November 22, 2002, DES staff conducted a site visit of the Facility and verified that all tank fabrication and spraying operations had ceased.
7. On December 3, 2003, DES received a letter from Mr. Thomas A. Bourdon of J.D. Bourdon Realty, Incorporated, stating, "[A]s of December 2, 2002, TANX, Inc. is no longer leasing space at 91B Main Street which, was the site of it's [sic] manufacturing facility."
8. According to TANX' bankruptcy counsel, Eleanor Dahar, Esq., the U.S. Bankruptcy Court for the District of New Hampshire dismissed TANX' bankruptcy petition. An auction to liquidate certain equipment used in the manufacturing operations was held on August 6, 2002. The bill of sale from the auction indicates that most, if not all, manufacturing equipment was sold and removed from the premises.
9. The New Hampshire Secretary of State records show that TANX has failed to file its annual report and is no longer a corporation in good standing.
10. On December 23, 2002, DES proposed revocation of the TANX Title V Operating Permit. The Notice of Proposed License Action No. 02-003 (the "Notice") was mailed, certified/return receipt requested to Peter LeHaise. DES received confirmation that the Notice had been delivered to Mr. LaHaise.
11. The Notice stated, among other things, that Mr. LaHaise could request an adjudicatory hearing to contest the proposed revocation. The Notice also stated that the request for hearing must be made by January 17, 2003.
12. DES has not received a request for hearing on the Notice.

IV. Uncontested Revocation

Having received no request for hearing to contest the proposed revocation or any factual and legal findings upon which the proposed revocation was based, DES hereby concludes that the criteria for revocation of the Title V permit, under both federal and state law and regulations, have been met. In particular, TANX does not have right, title, and interest in the property located at 91B Main Street, has no present or foreseeable ability to restart permitted operations at the Facility and has not present or foreseeable ability to comply with the terms of its Title V Operating Permit.

Accordingly, pursuant to RSA 541-A:30, RSA 125-C, Part Env-A 100 et. seq. and 40 CFR Part 70, DES hereby revokes Title V Operating Permit Number TV-OP-041, issued to TANX on June 18, 2002. The revocation is effective as of the date of this final Notice.


COPY

Robert R. Scott
Chief Air Programs Manager
Air Resources Division

Certified Mail # 7000 1670 0000 0583 7969

cc: City of Claremont
Mark Harbaugh, DES Legal Unit
Maureen Smith, NHDOJ
Jean Hong, Esq., U.S.E.P.A. Region I
Ida McDonnell, U.S.E.P.A. Region I
Eleanor Dahar, Esq.
Jeffrey A. Meyers, Esq.